

Atty Dkt No. 0999,004  
USSN: 08/349,489  
PATENT

COPY

## II. REMARKS

The above amendments are being presented in order to address informalities in the specification, as well as the rejection of claim 6 under 35 U.S.C. §112, second paragraph stated in the Office Action dated September 22, 1999. Applicants appreciate the opportunity to address these issues herein.

In particular, the specification has been amended to properly indicate that the terms "QUADROMAS<sup>TM</sup>" and "IMMULON<sup>TM</sup>" are trademarks. Additionally, a generic description for the term "IMMULON<sup>TM</sup>" has been added. As evidenced by the accompanying excerpt from Dynex Technologies plastics selection guide, IMMULON<sup>TM</sup> plates are well known in the art to be absorbance protein binding plates. A generic description for the term "QUADROMAS<sup>TM</sup>" is already present (see, page 15, line 13). Accordingly, the previous objections to the specification are believed to be overcome.

Claim 6 has been amended to recite the subject invention with greater particularity. In this regard, a typographical error in the claim has been corrected and reference to hybridomas HB 11830 and HB 11769 has been moved from line 4 to line 5 of the claim for consistency. Additionally, the term "glycolipid" which formed the basis for the rejection under 35 U.S.C. §112, second paragraph has been deleted and a recitation of deposited hybridomas HB 11768 and HB 10798 has been inserted in its place. These hybridomas produce antibodies 36H3 and 140A7, respectively (see, the ATCC deposit receipt which accompanied the previous response and page 30, line 4 of the application). Monoclonal antibodies 36H3 and 140A7 bind to glycolipids extracted by chloroform/methanol extraction from MCF-7 breast cancer cells (see, page 19, lines 24-25 of the specification).

As explained at page 30, lines 11-22 of the application, these deposits have been made under the provisions of the Budapest Treaty and the viability and public availability of the deposits have been assured by the assignee, Chiron Corporation.

Atty Dkt No. 0999,004

USSN: 08/349,489

PATENT

COPY


In view of the above amendments and remarks, the Applicant submits that claim 6 complies with the requirements of 35 U.S.C 112, second paragraph, and this basis for rejection should be withdrawn. Accordingly, the claims are now in condition for allowance and an early notification to that effect would be appreciated.

Please direct all further communications regarding this application to:

Lisa E. Alexander, Esq.  
CHIRON CORPORATION  
Intellectual Property - R440  
P.O. Box 8097  
Emeryville, CA 94662-8097  
Telephone: (510) 923-2585  
Facsimile: (510) 655-3542.

Respectfully submitted,

Date: 4/13/00

By: 

Roberta L. Robins  
Registration No. 33,208  
Attorney for Applicants

CHIRON CORPORATION  
Intellectual Property - R440  
P.O. Box 8097  
Emeryville, CA 94662-8097  
Telephone: (510) 923-2585  
Facsimile: (510) 655-3542

08/349,489



COPY

**Plastics Selection Guide****Absorbance Protein Binding Plates | Fluorescence/Tissue Culture Plates****Luminescence Plates | Liquid Handling Styrene and Vinyl Microtiter® Plates****ABSORBANCE PROTEIN BINDING PLATES**

	IMMULON- 1B	IMMULON 2 HB	IMMULON 4 HBX
<b>Binding</b>	Medium	High	Extra High
<b>Well Shape</b>	Flat U	Flat U	Flat
<b>Number of Wells</b>	96	96	96
<b>Configuration</b>	Plates Removawell® Strips (flat and C-bottom) Dividastrips® (flat and C-bottom)	Plates Removawell Strips (flat and C-bottom) Dividastrips (flat and C-bottom)	Plates Removawell Strips (flat and C-bottom) Dividastrips (flat and C-bottom)
<b>Applications</b>	Hydrophobic surface for ELISA; monoclonal, polyclonal antibodies; immunoglobulins; lipid-containing compounds (e.g., core glycolipids, lipopolysaccharides, lipoproteins); whole cells (e.g., bacteria, splenocytes, etc.); DNA; synthetic peptides; human Interferon Beta; Staphylococcus protein A; ovalbumin	Hydrophilic surface for ELISA; monoclonal, polyclonal antibodies; proteins; peptides; glycopeptides; amino acids; purified antigens; DNA; immunoglobulins; whole cells (e.g., bacteria, splenocytes, etc.); haptens	Hydrophilic surface for ELISA; monoclonal, polyclonal antibodies; proteins; glycoproteins; peptides; glycopeptides; amino acids; purified antigens; antibodies; DNA; immunoglobulins

**FLUORESCENCE/TISSUE CULTURE PLATES**

	MICROFLUOR® 1 Black	MICROFLUOR 2 Black	MICROFLUOR 1 White	MICROFLUOR 2 White
<b>Binding</b>	Medium	High	Medium	High
<b>Well Shape</b>	Flat U	Flat U	Flat U	Flat U
<b>Number of Wells</b>	96	96	96	96
<b>Configuration</b>	Plates	Plates	Plates	Plates
<b>Reduced Background</b>	Yes	Yes	Yes	Yes